

Message Text

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INFO AMEMBASSY BELGRADE
AMEMBASSY OTTAWA

C O N F I D E N T I A L SECTION 01 OF 03 NATO 06817

BELGRADE FOR CSCE DELEGATION

E.O.11652: GDS
TAGS: NATO, PFOR, CSCE, CA
SUBJECT: CSCE: CANADIAN PAPER FOR POLADS WORK ON HUMAN
RIGHTS

REF: NATO 6338

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1. CANADIAN DELEGATION HAS CIRCULATED, AS A CONTRIBUTION TO
POLADS WORK ON PREPARATIONS FOR BELGRADE, THE PAPER ON
HUMAN RIGHTS IN PARA 4 BELOW, WHICH IS CONSONANT WITH EARLIE
CANADIAN PROPOSAL FOR NATO CONSULTATIONS ON THIS ISSUE
(REFTEL), BUT DIFFERENT IN PURPOSE IN THAT IT IS INTENDED
FOR DETAILED CONSIDERATION IN POLADS RATHER THAN AS A STIM-
ULUS TO PERMREPS DISCUSSION.

2. CANADIAN COVER NOTE EXPRESSES HOPE THAT OTHER DELEGATIONS
WILL PREPARE SIMILAR PAPERS ON OTHER ISSUES AT THE MAIN
BELGRADE MEETING, AND THAT, COLLECTIVELY, SUCH PAPERS CAN
PROVIDE AN "UNDERPINNING FOR THE APPROACHES TAKEN BY WESTERN
NEGOTIATORS AT THE BELGRADE MEETING". THE CANADIAN NOTE SUG-
GESTS THAT SUCH PAPERS COULD FOLLOW THE FORMAT, ADOPTED BY
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THE CANADIAN PAPER, BY LISTING: "FIRSTLY, AN OBJECTIVE ROOTED
IN THE FINAL ACT; SECONDLY AN EVALUATION OF IMPLEMENTATION
TO DATE INCLUDING, INTER ALIA, THE DIFFERING APPROACHES
BETWEEN EASTERN AND WESTERN PARTICIPANTS, WHICH WE SEE AS
NECESSARY FOR PUBLIC RELATIONS CONSIDERATIONS, TO THE SUB-
JECT MATTER; THIRDLY, SUGGESTIONS FOR POSSIBLE FUTURE IM-
PROVEMENTS INTENDED TO GIVE A MORE COHERENT THRUST TO THE

RANGE OF SPECIFIC INTERESTS REFLECTED IN THE SO-CALLED "NEW PROPOSALS"; AND FINALLY, SUGGESTED LANGUAGE IN RESOLUTION FORM IN ORDER TO GIVE EXPRESSION TO OUR EFFORTS TO DEVELOP FURTHER THE IMPLEMENTATION OF THE FINAL ACT ALONG LINES DESIRED BY THE WESTERN PARTICIPANTS."

3. COMMENT: WHILE CANADIAN APPROACH REFLECTED IN THIS PAPER WAS DEVELOPED BEFORE ANNOUNCEMENT OF FRENCH OBJECTION TO POLADS PREPARING PAPERS ON THEMES AND NEW PROPOSALS, CANADIAN REP BELIEVES THAT AN APPROACH ALONG THESE LINES MIGHT HELP GET AROUND FRENCH OBJECTIONS. WE WILL COMMENT FURTHER AFTER PRELIMINARY POLADS REVIEW, LIKELY TO TAKE PLACE AT JULY 19 MEETING.

4. THERE FOLLOWS CANADIAN PAPER ON "CSCE--BELGRADE REVIEW MEETINGS, HUMAN RIGHTS":

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BEGIN TEXT

THEME (OBJECTIVE)

RESPECT FOR HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS ISF GOVERNMENT ARE NEVER PERFECT AND CHANGES WHERE THESE ARE REQUIRED TO IMPROVE THE SITUATION REGARDING HUMAN RIGHTS SHOULD BE CONSIDERED NORMAL AND APPROPRIATE.
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THERE HAS BEEN LITTLE IDENTIFIABLE FUNDAMENTAL IMPROVEMENT IN THE SITUATION REGARDING HUMAN RIGHTS IN EASTERN EUROPE SINCE THE FINAL ACT WAS SIGNED. IN SOME INSTANCES, THERE WOULD APPEAR TO HAVE BEEN A NET DETERIORATION IN THE TREATMENT ACCORDED PERSONS WHO HAVE INSISTED ON OBSERVANCE OF THEIR COUNTRIES' CONSTITUTIONAL GOVERNMENT ARE NEVER PERFECT AND CHANGES WHERE THESE ARE REQUIRED TO IMPROVE THE SITUATION REGARDING HUMAN RIGHTS SHOULD BE CONSIDERED NORMAL AND APPROPRIATE.

THERE HAS BEEN LITTLE IDENTIFIABLE FUNDAMENTAL IMPROVEMENT IN THE SITUATION REGARDING HUMAN RIGHTS IN EASTERN EUROPE SINCE THE FINAL ACT WAS SIGNED. IN SOME INSTANCES, THERE WOULD APPEAR TO HAVE BEEN A NET DETERIORATION IN THE TREATMENT ACCORDED PERSONS WHO HAVE INSISTED ON OBSERVANCE OF THEIR COUNTRIES' CONSTITUTIONS AND INTERNATIONAL COMMITMENTS.

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CORRECTED COPY - FOR TEXT
POSSIBLE IMPROVEMENTS

HUMAN RIGHTS IS AN AREA THAT REQUIRES PRIMARILY UNILATERAL ACTION BY THE PARTICIPATING STATES CONCERNED. CHANGES IN ATTITUDE, POLICY AND PRACTICE CANNOT BE IMPOSED FROM OUTSIDE; BUT IT SHOULD BE POSSIBLE FOR THE PEOPLE OF THE COUNTRY CONCERNED AND THE GOVERNMENTS OF OTHER PARTICIPATING STATES TO HOLD GOVERNMENTS TO FREELY ASSUMED INTERNATIONAL COMMITMENTS IN THIS AS IN OTHER FIELDS.

AN ORDERLY AND RESPONSIBLE WAY OF MOVING IN THIS

DIRECTION IS OFFERED BY ARTICLE 41 OF THE UNITED NATIONS COVENANT ON CIVIL AND POLITICAL RIGHTS AND THE OPTIONAL PROTOCOL TO THAT COVENANT. ACCESSION TO THE OPTIONAL PROTOCOL WOULD PERMIT INDIVIDUALS, WHEN ALL OTHER MEANS OF DOING SO HAVE BEEN EXHAUSTED, TO MAKE COMPLAINTS AGAINST THEIR GOVERNMENTS REGARDING HUMAN RIGHTS VIOLATIONS THROUGH THE EXISTING HUMAN RIGHTS COMMITTEE. A DECLARATION ACCEPTING THE PROCEDURES IN ARTICLE 41 WOULD PERMIT GOVERNMENTS TO MAKE SUCH COMPLAINTS AGAINST OTHER GOVERNMENTS.

ACCEPTANCE OF THESE PROPOSALS SHOULD NOT BE RULED OUT BY THE ARGUMENT THAT THEY WOULD INVOLVE INTERFERENCE
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IN INTERNAL AFFAIRS. THE FINAL ACT ITSELF PROVIDES IN BASKET IV FOR MEETINGS FOR THE SPECIFIC PURPOSE OF EXCHANGING VIEWS ON THE IMPLEMENTATION OF THE PROVISIONS OF

THE FINAL ACT (INCLUDING THOSE RELATING TO HUMAN RIGHTS).
MOREOVER, THE UNITED NATIONS HAS SANCTIONED MEASURES FOR
THE LODGING OF COMPLAINTS BY INDIVIDUALS AND GOVERNMENTS
AND HAS CREATED MACHINERY FOR THIS PURPOSE. AGREEMENT OF
THE CSCE PARTICIPATING STATES TO MAKE A DECLARATION UNDER
ARTICLE 41 AND TO ACCEDE TO THE OPTIONAL PROTOCOL WOULD RE-
INFORCE THE CREDIBILITY OF THE EXISTING UNITED NATIONS
MACHINERY. SUCH A STEP COULD ALSO HELP DIRECT DISCUSSION
OF HUMAN RIGHTS ISSUES INTO MORE POSITIVE CHANNELS.

TO THE EXTENT THAT THE SUBJECTS IN BASKET III SUCH AS
THE FREER MOVEMENT OF PEOPLE ARE COVERED IN THE RIGHTS
ENUNCIATED IN THE COVENANT, (E.G., THE RIGHT OF A PERSON
TO LEAVE ANY COUNTRY, INCLUDING HIS OWN) AND THE FREER
FLOW OF IDEAS (E.G., THE RIGHT TO SEEK, RECEIVE AND IMPART
INFORMATION AND IDEAS OF ALL KINDS) THIS PROPOSAL COULD
CONTRIBUTE TO THE IMPROVED IMPLEMENTATION OF BASKET III
AS WELL.

RESOLUTION

THE PARTICIPATING STATES:

CONVINCED, AS THEY HAVE ALREADY INDICATED IN PRINCIPLE
VII OF THE FINAL ACT, THAT RESPECT FOR HUMAN RIGHTS AND
FUNDAMENTAL FREEDOMS IS ESSENTIAL BOTH FOR THE FREE AND
FULL DEVELOPMENT OF THE HUMAN PERSON AND FOR THE DEVELOPMEN
OF FRIENDLY RELATIONS AND COOPERATION AMONG STATES;
RECOGNIZING THAT AN OPEN AND UNIMPEDED DIALOGUE ON HUMAN
RIGHTS BETWEEN THE PEOPLE AND THEIR GOVERNMENT SHOULD BE
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A PRIMARY CONCERN OF GOVERNMENTS; BELIEVING THAT THE INDI-
VIDUAL SHOULD HAVE THE MEANS OF BRINGING TO LIGHT VIOLATION
OF HUMAN RIGHTS;

BELIEVING FURTHER THAT PARTICIPATING STATES HAVE AN
EQUAL AND CONTINUOUS RESPONSIBILITY TO ENSURE OBSERVANCE
OF HUMAN RIGHTS BY ALL;

BELIEVING ALSO THAT PARTICIPATING STATES WILL WANT
TO AND WILL BE PREPARED TO CONSIDER AND TO CORRECT SITUA-
TIONS WHICH INVOLVE VIOLATIONS OF HUMAN RIGHTS ONCE THESE
ARE BROUGHT TO THEIR ATTENTION;

RECOGNIZING THAT INTERNATIONAL MACHINERY ALREADY
EXISTS THROUGH THE HUMAN RIGHTS COMMITTEE OPERATING UNDER
THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS
AND ITS OPTIONAL PROTOCOL WHICH CAN HELP INDIVIDUALS AS
WELL AS GOVERNMENTS SIGNATORY TO THAT COVENANT TO BRING TO
LIGHT VIOLATIONS OF HUMAN RIGHTS AND TO SEEK REDRESS;

RECALLING THAT---(1) CSCE PARTICIPATING STATES HAVE
SIGNED THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL
RIGHTS, THAT (2) HAVE SIGNED THE OPTIONAL PROTOCOL AND
THAT (3) HAVE SUBMITTED A DECLARATION UNDER ARTICLE 41
OF THE COVENANT;

AGREEING THAT EFFORTS SHOULD BE MADE SO THAT ALL
PARTICIPATING STATES BECOME PARTIES TO THESE INTERNATIONAL
INSTRUMENTS;

RESOLVE THAT, WHERE THIS HAS NOT ALREADY BEEN DONE,
THEY WILL RATIFY OR ACCEDE TO AND FULLY COMPLY WITH THE
INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS AND

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INFO AMEMBASSY BELGRADE

AMEMBASSY OTTAWA

C O N F I D E N T I A L SECTION 3 OF 3 NATO 06817

TO ITS OPTIONAL PROTOCOL AND TO MAKE A DECLARATION UNDER
ARTICLE 41 OF THE COVENANT SO THAT THE HUMAN RIGHTS
COMMITTEE MAY RECEIVE AND DEAL WITH COMMUNICATIONS
RELATING TO VIOLATIONS OF HUMAN RIGHTS FROM BOTH INDI-
VIDUALS AND GOVERNMENTS.

RE: (1), (2), (3): FIGURES TO BE SUPPLIED AS SOON AS
AVAILABLE.

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